

PATENT

Docket No.: 1234-4748

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Applicant(s): KATO, et al.

Group Art Unit: 2152

Serial No.: 09/923,557

Examiner: Carolyn Fatimah Fleary

Filed: August 7, 2001

For: VIRTUAL SPACE SYSTEM STRUCTURED BY PLURAL USER TERMINALS AND SERVER DEVICE

JUL 01 2005

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I hereby certify that the following item(s):

## 1. Response to Restriction Requirement

is/are being transmitted pursuant to 37 C.F.R. §1.8 by facsimile on the date indicated below to Examiner Carolyn Fatimah Fleary of Group Art Unit 2152 at the following facsimile number: (703) 872-9306. Transmission Total: 4 pages (including this cover sheet).

Respectfully submitted,  
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PATENT

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**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Official Action dated June 1, 2005, in which pending claims 1-51 are subject to a Restriction and/or Election Requirement, Applicants provisionally elect, with traverse, what the Examiner characterized as the invention of Group I encompassing claims 1-30.

Should the Restriction and/or Election Requirement be made final, Applicants expressly reserve the right to represent the non-elected claims (i.e., claims 31-51) in a divisional application, if necessary.

In conjunction with this election, Applicants offer the following remarks:

In the Official Action, restriction under 35 U.S.C., §121 is required to one of the following groups of inventions: (I) Claims 1-30, drawn to subject matter wherein a user's interaction with a computer system is used to control the presentation of display data; and (II) Claims 31-51, drawn to subject matter of digital data processing system including apparatus or steps for transferring data or instruction information between a plurality of computers.

As set forth in detail in the Office Action, it is the Examiner's position that restriction for examination purposes as indicated is proper because the inventions are distinct from each other.

Applicants disagree with the Examiner's characterization of the claimed inventions in the grouping identified by the Examiner and their respective relationship to each other as stated and make the above election with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.